

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1360 be amended to read as follows:

- 1           Page 3, between lines 3 and 4, begin a new paragraph and insert:  
2           "SECTION 5. IC 3-6-8-1 IS AMENDED TO READ AS FOLLOWS  
3           [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) Each bona fide political party  
4           or an independent candidate for a federal or a state office is entitled to  
5           appoint watchers at each precinct in which the political party or  
6           independent candidate is on the ballot.  
7           (b) This subsection applies to a public question that is submitted to  
8           the electorate. A county election board may appoint watchers if a  
9           petition requesting the appointment is filed with the board. The petition  
10          must be signed by:  
11           (1) the chairman of a political action committee organized under  
12           IC 3-9 to support or oppose the approval of the public question;  
13           and  
14           (2) at least the number of voters equal to:  
15           **(A) two percent (2%); and**  
16           **(B) for elections held after December 31, 2004, one-half**  
17           **percent (0.5%);**  
18           of the votes cast in the last election for secretary of state in the  
19           county.  
20          (c) At any time during election day, each political action committee,  
21          each political party, or an independent candidate for a federal or a state  
22          office may have only one (1) watcher present at each precinct's polls."  
23          Page 6, between lines 3 and 4, begin a new paragraph and insert:  
24          "SECTION 11. IC 3-8-4-1 IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2004]: Sec. 1. (a) This chapter applies to each political party in the state whose nominee received at least two percent (2%) of the total vote cast for secretary of state at the last election.

(b) After December 31, 2004, this chapter applies to each political party in the state:

(1) whose nominee for:

(A) any federal office (excluding the office of representative in the Congress of the United States); or

(B) any state office;

received at least one-half percent (0.5%) of the total vote cast at the last election for that office; or

(2) that, under section 1.5 of this chapter, obtains by petition the signatures of the number of registered voters equal to at least one-half percent (0.5%) of the total vote cast for secretary of state at the last election.

SECTION 12. IC 3-8-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1.5. (a) This section applies after December 31, 2004.

(b) A petition described in section 1(b)(2) of this chapter must be signed by the number of voters equal to at least one-half percent (0.5%) of the total vote cast for secretary of state at the last election.

(c) A person signing a petition described in section 1(b)(2) of this chapter must be registered to vote at the time of signing the petition.

(d) A petition must contain the following information:

(1) A brief name of the political party circulating the petition.

(2) The signature of each person signing the petition.

(3) The name of each person signing the petition, legibly printed.

(4) The residence mailing address of each person signing the petition.

(5) A statement that the person is a registered and qualified voter.

(e) Each person signing a petition described in section 1(b)(2) of this chapter must sign the person's name or have the person's mark on the petition attested.

(f) For a petition described in section 1(b)(2) of this chapter to be considered valid, each person signing the petition must be certified as being a voter in a particular county by the circuit court clerk or board of registration of the county in which the person is registered. The certification must accompany and be part of each petition.

(g) A petition described in section 1(b)(2) of this chapter, accompanied by the certification described in subsection (f), must be submitted to the office of the election division or circuit court clerk not later than noon of the third Tuesday of May of the year in which the party plans to conduct a state convention to nominate its candidates.

(h) If the office of the election division or the circuit court clerk determines that a petition described in section 1(b)(2) of this chapter does not comply with the requirements of this section, the office or the clerk shall notify the party's state chairman not later than thirty (30) days after the petition is submitted, specifically stating the reason or reasons the petition does not comply with this section.

SECTION 13. IC 3-8-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. (a) This section applies as follows:

(1) **Before January 1, 2005**, to a political party whose nominee received at least two percent (2%) but less than ten percent (10%) of the votes cast for secretary of state at the last election for that office.

(2) **After December 31, 2004, to a political party:**

(A) **whose nominee for:**

- (i) **any federal office (excluding the office of representative in the Congress of the United States); or**
- (ii) **any state office;**

**received at least one-half percent (0.5%) but less than ten percent (10%) of the votes cast for that office at the last election for that office; or**

(B) **that, under section 1.5 of this chapter, obtains by petition the signatures of the number of registered voters equal to at least one-half percent (0.5%) of the total vote cast for secretary of state at the last election.**

(b) A political party subject to this section shall also nominate the party's candidates for the following offices at the state convention of the party:

- (1) United States Senator.
- (2) United States Representative.
- (3) Governor.
- (4) Legislative office.
- (5) A local office listed in IC 3-8-2-5."

Page 6, between lines 33 and 34, begin a new paragraph and insert:  
"SECTION 15. IC 3-8-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) A petition of nomination must be signed by the number of voters equal to:

- (1) before January 1, 2005, two percent (2%); and  
 (2) after December 31, 2004, one-half percent ( 0.5%);

of the total vote cast at the last election for secretary of state in the election district that the candidate seeks to represent.

(b) In determining the number of signatures required under this section, any fraction in excess of a whole number must be disregarded.

SECTION 16. IC 3-8-6-10, AS AMENDED BY P.L.260-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. (a) Except as provided in section 11 of this chapter, a petition of nomination must be submitted to the county voter registration office of each county in which the election district is located.

(b) The petition must be filed during the period beginning January 1 of the year in which the election will be held and ~~ending at not later than noon June 30 before the election.~~ **on the date specified by IC 3-13-1-7(a)(1) for a major political party to act to fill a candidate vacancy.**

(c) The county voter registration office shall certify and file a petition that complies with the requirements of this chapter with the public official authorized to place names on the ballot (and with the town clerk-treasurer, if the petition of nomination is for a town office) not later than noon ~~July 15.~~ **on the date specified by IC 3-13-1-15(c) for a major political party to file a certificate of candidate selection.** Following certification of a petition under this section, the office may, upon the request of a candidate named in the petition, return the original petition to the candidate for filing with the appropriate official in accordance with this subsection.

(d) During a year in which a federal decennial census, federal special census, special tabulation, or corrected population count becomes effective under IC 1-1-3.5, a petition of nomination may be filed for an office that will appear on the primary election ballot that year as a result of the new tabulation of population or corrected population count.

SECTION 17. IC 3-8-6-13.5, AS AMENDED BY P.L.260-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13.5. A candidate may withdraw a petition of nomination ~~by noon:~~

- (1) ~~July 15 before a general or municipal election; or~~  
 (2) ~~forty-five (45) days before a special election.~~

**by filing a notice of withdrawal in accordance with IC 3-8-7-28.**

SECTION 18. IC 3-8-7-8, AS AMENDED BY P.L.260-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. (a) Either the chairman and secretary of a state convention or the state chairman and state secretary of the political party holding the state convention shall certify each candidate nominated at the convention to the secretary of state not later than noon

~~July 15 before the general election; on the date specified by~~  
**IC 3-13-1-15(c) for a major political party to file a certificate of**  
**candidate selection.**

(b) The certificate must state the following:

(1) Whether each candidate nominated by the convention has  
 complied with IC 3-9-1-5 by filing a campaign finance statement  
 of organization.

(2) That the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign  
 finance and the reporting of campaign contributions and  
 expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this  
 subdivision.

(c) The commission shall prescribe the form of the certificate of  
 nomination for the offices. The commission shall provide that the form  
 of the certificate of nomination include the following information near  
 the separate signature required by subsection (b)(2):

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under  
 IC 3-9.

(d) A certificate of nomination must include a statement that the  
 candidate requests the name on the candidate's voter registration record  
 be the same as the name the candidate uses on the certificate of  
 nomination. If there is a difference between the name on the candidate's  
 certificate of nomination and the name on the candidate's voter  
 registration record, the officer with whom the certificate of nomination  
 is filed shall forward the information to the voter registration officer of  
 the appropriate county as required by IC 3-5-7-6(e). The voter  
 registration officer of the appropriate county shall change the name on  
 the candidate's voter registration record to be the same as the name on  
 the candidate's certificate of nomination.

SECTION 19. IC 3-8-7-14, AS AMENDED BY P.L.66-2003,  
 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 JULY 1, 2004]: Sec. 14. (a) This section does not apply to the  
 certification of nominees under IC 3-10-4-5.

(b) A certificate of nomination required to be filed with the election  
 division or circuit court clerk shall be filed not later than noon ~~July 15~~  
~~before the date fixed for the election of the person nominated; on the~~  
**date specified by IC 3-13-1-15(c) for a major political party to file**  
**a certificate of candidate selection."**

Page 7, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 21. IC 3-8-7-25 IS AMENDED TO READ AS  
 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 25. (a) The election  
 division and each county election board shall have printed on the

1        respective general, special, or municipal election ballots the names of  
2        the following candidates:

3            (1) Nominees chosen at a primary election under IC 3-10 and  
4            certified as required by this chapter.

5            (2) Nominees chosen by a convention of a political party in the  
6            state whose candidate:

7                **(A) before January 1, 2005,** received at least two percent  
8                (2%) of the total vote cast for secretary of state at the last  
9                election; **or**

10              **(B) after December 31, 2004 for:**

11                    (i) **any federal office (excluding the office of**  
12                    **representative in the Congress of the United States); or**

13                    (ii) **any state office;**

14                    **received at least one-half percent (0.5%) of the total vote**  
15                    **cast for that office at the last election;**

16            and **was** certified under section 8 of this chapter.

17            (3) Nominees nominated by petition under IC 3-8-6.

18            (4) Nominees selected to fill a candidate vacancy under IC 3-13-1  
19            or IC 3-13-2.

20            **(b) This subsection applies after December 31, 2004. Candidates**  
21            **of a political party who are listed on an election ballot under**  
22            **subsection (a)(2) are entitled to be listed on the ballot for all**  
23            **general, special, and municipal elections until none of the political**  
24            **party's candidates for:**

25                    (1) **any federal office (excluding the office of representative**  
26                    **in the Congress of the United States); or**

27                    (2) **any state office;**

28                    **receives at least one-half percent (0.5%) of the total vote cast for**  
29                    **any of those offices in two (2) consecutive elections."**

30            Page 8, line 7, after "applies" insert "as follows:

31                    **(1) Before January 1, 2005,"**

32            Page 8, between lines 10 and 11, begin a new line block indented and  
33            insert:

34                    **"(2) After December 31, 2004, to a political party:**

35                    **(A) whose nominee for:**

36                            (i) **any federal office (excluding the office of**  
37                            **representative in the Congress of the United States); or**

38                            (ii) **any state office;**

39                            **received at least one-half percent (0.5%) but less than ten**  
40                            **percent (10%) of the total vote cast at the last election for**  
41                            **that office; or**

42                            **(B) that, under section 15.2 of this chapter, obtains by**  
43                            **petition the signatures of the number of registered voters**  
44                            **equal to at least one-half percent (0.5%) of the votes cast**

1           **for secretary of state at the last election for that office in**  
 2           **a political subdivision."**

3           Page 9, between lines 17 and 18, begin a new paragraph and insert:  
 4           "SECTION 24. IC 3-10-2-15.2 IS ADDED TO THE INDIANA  
 5           CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 6           JULY 1, 2004]: **Sec. 15.2. (a) This section applies after December**  
 7           **31, 2004.**

8           **(b) A petition described in section 15(a)(2)(B) of this chapter**  
 9           **must be signed by the number of voters equal to at least one-half**  
 10           **percent (0.5%) of the total vote cast for secretary of state at the**  
 11           **last election in a political subdivision.**

12           **(c) A person signing a petition described in section 15(a)(2)(B)**  
 13           **of this chapter must be registered to vote at the time of signing**  
 14           **the petition.**

15           **(d) A petition must contain the following information:**

16               **(1) A brief name of the political party circulating the petition.**

17               **(2) The signature of each person signing the petition.**

18               **(3) The name of each person signing the petition, legibly**  
 19               **printed.**

20               **(4) The residence mailing address of each person signing the**  
 21               **petition.**

22               **(5) A statement that the person is a registered and qualified**  
 23               **voter.**

24           **(e) Each person signing a petition described in section**  
 25           **15(a)(2)(B) of this chapter must sign the person's name or have**  
 26           **the person's mark on the petition attested.**

27           **(f) For a petition described in section 15(a)(2)(B) of this chapter**  
 28           **to be considered valid, each person signing the petition must be**  
 29           **certified as being a voter in a particular county by the circuit court**  
 30           **clerk or board of registration of the county in which the person is**  
 31           **registered. The certification must accompany and be part of each**  
 32           **petition.**

33           **(g) A petition described in section 15(a)(2)(B) of this chapter,**  
 34           **accompanied by the certification described in subsection (e), must**  
 35           **be submitted to the circuit court clerk of the county in which the**  
 36           **political subdivision is located not later than noon the third**  
 37           **Tuesday of May of the year in which the party plans to conduct a**  
 38           **convention in the political subdivision to nominate its candidates.**

39           **(h) If the circuit court clerk of the county in which the political**  
 40           **subdivision is located determines that a petition described in**  
 41           **section 15(a)(2)(B) of this chapter does not comply with the**  
 42           **requirements of this section, the clerk shall notify the party's**  
 43           **county chairman not later than thirty (30) days after the petition**

- 1 **is submitted, specifically stating the reason or reasons the petition**
- 2 **does not comply with this section."**
- 3     Renumber all SECTIONS consecutively.  
      (Reference is to HB 1360 as printed January 30, 2004.)

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Representative Pierce